

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30612 of 2015

Arising Out of PS. Case No.-245 Year-2011 Thana- SULTANGANJ District- Patna

Jata Shankar Vidyarthi Son of Krishna Prasad Sah, Resident of Tekari Road,
Post - Mahendru, P.S. - Sultanganj, District - Patna.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Rita Kumari, Daughter of Late Rajendra Prasad Sah, Resident of Village -
Motibagh, P.O., P.s. and District - Kishanganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anshuman, Adv.

For the Opposite Party/s : Mr.M.K.Khare, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-02-2023 Heard learned counsel for the petitioner and the State.

This is an application for quashing of the order dated
5.4.2012 passed by the learned Sub Divisional Judicial
Magistrate, Patna City, Patna in Sultanganj P.S. (Patna) Case
No. 245 of 2011 whereby cognizance was taken under Sections
494, 496, 498(A) and 312 of the Indian Penal Code.

As per the prosecution story, the lady has alleged that
she was working in Pulse Dying Ltd. Company at Patna where
the petitioner was also working. The lady was the Senior
Consultant having been appointed in 2010. There, the petitioner
proposed her, upon which, she informed that she is a married
person and there is a case against her husband continuing at



Samastipur Civil Court and as such, she cannot accept the proposal.

However, despite the resistance of the lady, the petitioner continuously kept on making proposal and after the death of her father, he also went to her home at Kisanganj to participated in his last rite, where he once again requested her mother that he wants to marry her. Her mother informed him that she is a married lady but he said that he cannot live without her.

It was further alleged by her that in 'Kali Temple', he forcibly put vermilion in her head and after taking as his wife, executed an affidavit before the Notary Public and took her to his residence where she remained for a month, became pregnant was forcibly aborted and then was left in her 'maika'. Thereafter, he never contacted her and was going ahead with second marriage. Accordingly, the present case.

Learned counsel for the petitioner submits that it is unbelievable that a bachelor boy will propose married lady knowingly and she has just trapped her and actually the case should have been lodged against her, the petitioner is innocent and the order taking cognizance in 2012 is nothing but abuse of process.



Per contra, learned APP submits that a bare perusal of the FIR would show that the prima facie case is made out against the petitioner and he had put vermilion and taken up the lady as his wife although by a notary affidavit, subsequently, the lady got pregnant, was aborted, he cannot turn his eyes away and say that since he is a bachelor, there is no question of being in relationship and/or marriage with the lady.

This Court find force in the submission put forward by the learned APP. Further, the matter is of 2012 and as per the submission put forward by the learned counsel for the petitioner, the case is presently at the evidence stage.

No case is made out and accordingly the petition stands dismissed.

(Rajiv Roy, J)

Ajay Singh/-

U		T	
---	--	---	--

